

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RICHARD OWENS,

Plaintiff,

v.

SOUTH WOODS STATE PRISON,

Defendant.

Civil Action
No. 15-4911 (JBS-AMD)

MEMORANDUM OPINION

SIMANDLE, Chief District Judge

1. On June 18, 2015, Plaintiff Richard Owens submitted a pro se complaint asserting claims under 42 U.S.C. §§ 1983, 1985, 1986, the Americans with Disabilities Act, and the Rehabilitation Act. Complaint, Docket Entry 1.

2. The Court reviewed the complaint pursuant to 28 U.S.C. § 1915 and determined only Plaintiff's claims under the Americans with Disabilities Act against South Woods State Prison could proceed at that time. Opinion and Order, Docket Entries 21 and 22.

3. The Court also granted Plaintiff's motion for the appointment of pro bono counsel. Pro bono counsel filed the instant motion to amend the complaint on June 2, 2016. Docket Entry 26.

4. Rule 15(a) of the Federal Rules of Civil Procedure permits a party to amend a pleading once as a matter of course

twenty-one (21) days after serving the pleading or twenty-one (21) days "after a responsive pleading or service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. Pro. 15(a)(1)(A)-(B). Defendant was served one day after this motion was filed. See Certificate of Service, Docket Entry 27.

5. Plaintiff is entitled under Rule 15 to amend his complaint at this time. Additionally, the Court has reviewed the proposed amended complaint and concludes Plaintiff has sufficiently pled facts to state claims under the Americans with Disabilities and Rehabilitation Acts. Therefore, the motion to amend shall be granted.

6. An appropriate order follows.

August 11, 2016
Date

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge